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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,359	11/03/2003	Remo Corghi	CORGH117	1164
1444	7590	02/23/2005	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			SHAKERI, HADI	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/698,359	CORGI ET AL.	
	Examiner	Art Unit	
	Hadi Shakeri	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: page 5, line 10, "clamping jaw 5" should be corrected. Further, "bush" should be changed to, --bushing--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Regarding claim 1, e.g., "the axis of the plate" is unclear, it may be changed to the central axis or an axis; the direction in "translates in a radial direction" is not clear, radial relative to what? It may be amended to recite, translates in a radial direction towards or away from the center; it appears Applicant is claiming several "actuators" with the term "actuator means", an "actuator" or actuation means may have several elements or components but it is "a" means to perform a function, therefore the language should be amended to recited "an actuator means", "the working position" and "their travel stroke" should be positively recited, "said clamping jaws" should be amended to "said at least one clamping jaw".

Regarding claim 2, "said actuator means are associated" may be changed to, --said actuator means is associated--.

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Regarding claim 3, the language may be amended to recite, --A self-centering...further comprising a positioner device for each clamping jaw...-- .

5. Claim 4 recites the limitation "the crankpin" in line 3 and "the outer pivots" in line 5.

There are insufficient antecedent bases for these limitations in the claim.

6. Regarding the language in claims 5 and 6, the locking means is associated with the crankshaft in both embodiments of Figs. 5 and 9 since the crankshaft is locked in different working positions, thus "associated" in claims 5 and 6 (and dependent claims with the same language, e.g., 11) may be changed to "operably connected".

7. Claim 7 recites the limitation "the lateral wall" in line 2. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 8 recites the limitation "the holes" in line 2. There is insufficient antecedent basis for this limitation in the claim.

9. Regarding claim 10, the hole recited in the claim is not in the crankpin, as it appears to be claimed, i.e., the crankpin 17 does not have a hole.

10. Claim 11 recites the limitation "said locking means associated with said crankshaft" in line 3. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 11 recites the limitation "the holes" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

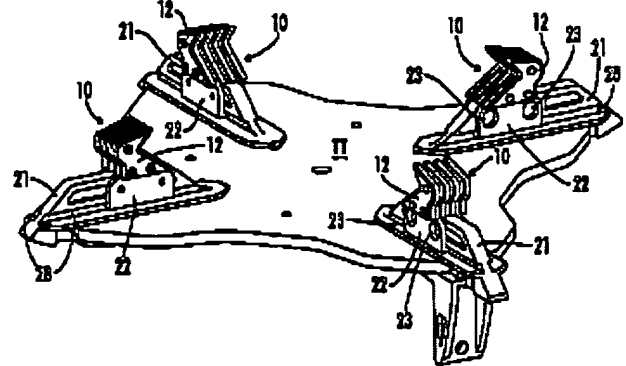
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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13. Claims 1-3 and 13 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Cunningham et al. (6,062,289).

Cunningham et al. discloses all of the limitations of claim 1, i.e., a plate with a series of equidistant radial slots in each of which a clamping jaw (10) is received and slides to grip the edge of a wheel rim, said clamping jaws being linked



together in such a manner as to be always equidistant from the axis of said plate, at least one clamping jaw being associated with actuator means (Fig. 1) causing it to translate in a radial direction, and further comprising between said at least one clamping jaw and said actuator means there a positioner device (21, 22, 24, 26, 28 and 25) arranged to vary the working position of said at least one clamping jaw without modifying the travel stroke.

Regarding claims 2, 3 and 13, Cunningham et al. meets the limitations, i.e., the cylinder piston actuation means being connected to two jaws each having a positioner device (Fig. 1).

Allowable Subject Matter

14. Claims 4-12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

15. The following is a statement of reasons for the indication of allowable subject matter: positioner device comprising crankshafts with a crank connected to a rigid bushing connected to the jaw, through a crankpin, wherein the crankshaft is further connected to the actuating means, and locking means to lock the crankshaft in different working position, i.e., structures and structural relationships as in Figs. 5 and 9 (generic to both embodiments) places the indicated claims in condition for allowance.

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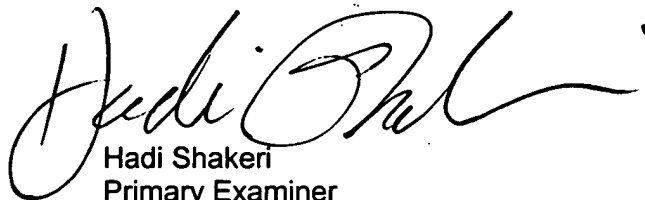
Conclusion

16. Prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Kinney and du Quesne are cited to show related inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is (571) 272-4495. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Hadi Shakeri', with a stylized flourish extending to the right.

Hadi Shakeri
Primary Examiner
Art Unit 3723
February 17, 2005